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## NOTICE OF ALLOWANCE AND FEE(S) DUE

65667 7590 03/03/2010

AT&T Legal Department - Moazzam  
Attn: Patent Docketing  
Room 2A-207  
One AT&T Way  
Bedminster, NJ 07921

EXAMINER

JOO, JOSHUA

ART UNIT

PAPER NUMBER

2454

DATE MAILED: 03/03/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/761,773

01/21/2004

Terry Durand

C03-0007-000; ATT-187

3533

TITLE OF INVENTION: LINKING SOUNDS AND EMOTICONS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	06/03/2010

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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65667 7590 03/03/2010

AT&T Legal Department - Moazzam  
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## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,773	01/21/2004	Terry Durand	C03-0007-000; ATT-187	3533

TITLE OF INVENTION: LINKING SOUNDS AND EMOTICONS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	06/03/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
JOO, JOSHUA	2454	709-206000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/761,773	01/21/2004	Terry Durand	C03-0007-000; ATT-187	3533
65667	7590	03/03/2010	EXAMINER	
AT&T Legal Department - Moazzam Attn: Patent Docketing Room 2A-207 One AT&T Way Bedminster, NJ 07921			JOO, JOSHUA	
			ART UNIT	PAPER NUMBER
			2454	
			DATE MAILED: 03/03/2010	

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 729 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 729 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/761,773	DURAND ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	JOSHUA JOO	2454	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/08/09.
2. ☒ The allowed claim(s) is/are 1,3-5,8,10,15-18,21,23 and 25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| <p>1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br/>Paper No./Mail Date ____</p> <p>4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material</p> | <p>5. <input type="checkbox"/> Notice of Informal Patent Application</p> <p>6. <input type="checkbox"/> Interview Summary (PTO-413),<br/>Paper No./Mail Date ____.</p> <p>7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment</p> <p>8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance</p> <p>9. <input type="checkbox"/> Other ____.</p> |
|--|---|

/NATHAN FLYNN/  
Supervisory Patent Examiner, Art Unit 2454

***Examiner's Amendment***

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given by attorney Fariborz Moazzam, Reg. No. 53,339 on February 19, 2010.

The application has been amended as follows:

**Claims**

1. (Currently Amended) A method of using an electronic communications network, in which a sender [[can]] sends a message to a recipient, the network including a server for facilitating communications between the sender and the recipient, the method comprising the steps of:

linking a sound file to an emoticon contained in a sender-generated message by creating a pointer to the sound file and attaching the pointer to the sender-generated message;

~~forwarding the sender-generated message, the emoticon, and a link to the sound file to the recipient, the link to the sound file associated with the emoticon;~~

determining by the server if the recipient already has the sound file by querying the recipient and evaluating whether or not the recipient has the sound file, and if not sending the sound file to the recipient;

forwarding the sender-generated message, the emoticon, and the pointer to the sound file to the recipient, the pointer to the sound file associated with the emoticon; and

at the recipient, displaying the sender-generated message and the emoticon, and audibly playing the sound file linked to the emoticon,

Art Unit: 2454

wherein the linking occurs at the server according to a user preferences stored on the server where the user preferences indicates that the sound file is chosen to be linked with the emoticon by the sender and ~~may be~~ is periodically updated by the sender, the updating occurring by obtaining different sound files from the server and replacing one or more of a set of default sound files, linked with one or more emoticons, stored in the user preferences.

3. (Currently Amended) [[A]] The method as claimed in claim 1 wherein the step of linking comprises making a dynamic association, established by the sender, for ~~that~~ a particular message being sent.

4. (Currently Amended) [[A]] The method as claimed in claim 1 wherein the step of linking comprises automatically generating a link according to [[the]] a particular emoticon being sent.

5. (Currently Amended) [[A]] The method as claimed in claim 1 wherein the step of linking comprises automatically generating a link according to the combination of [[the]] a particular emoticon being sent and [[the]] a particular recipient.

8. (Currently Amended) [[A]] The method as claimed in claim 1 wherein the step of linking comprises attaching the sound file to the message, and wherein the step of forwarding comprises forwarding both the message and the sound file.

9. (Canceled).

10. (Currently Amended) [[A]] The method as claimed in claim 8 wherein the step of forwarding comprises forwarding the sound file in a MIME-encoded attachment.

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13. (Canceled)

15. ~~A system~~ ~~An apparatus~~ for use in an electronic communications network, in which a sender [[can]] sends a message to a recipient, the network including a server for facilitating communications between the sender and the recipient, the ~~system~~ ~~apparatus~~ comprising:

~~a device~~ the sender comprising a computer and in electronic communication with the server; ~~the device including~~

the server including:

a first logic configured to link a sound file to an emoticon contained in a sender-generated message by creating a pointer to the sound file and attaching the pointer to the sender-generated message;

second logic configured to forward the sender-generated message, the emoticon and ~~a link~~ the pointer to the sound file to the recipient, the ~~link~~ pointer to the sound file associated with the emoticon; and

third logic configured to determine if the recipient already has the sound file by querying the recipient and evaluating whether or not the recipient has the sound file, and if not, send the sound file to the recipient; and

the recipient including fourth logic configured to display, ~~at the recipient,~~ the sender-generated message and the emoticon, and audibly play the sound file linked to the emoticon,

wherein the linking occurs at the server according to user preferences stored on the server where the user preferences indicates that the sound file is chosen to be linked with the emoticon by the sender and may be is periodically updated by the sender, the updating occurring by obtaining different sound files from the server and replacing one or more of a set of default sound files, linked with one or more emoticons, stored in the user preferences.

Art Unit: 2454

16. (Currently Amended) The apparatus as claimed in claim 15, wherein the first logic performs the linking using dynamic association, established by the sender, for ~~[[that]]~~ a particular message being sent.

17. (Currently Amended) The apparatus as claimed in claim 15, wherein the first logic performs linking by automatically generating a link according to ~~[[the]]~~ a particular emoticon being sent.

18. (Currently Amended) The apparatus as claimed in claim 15, wherein the first logic performs linking by automatically generating a link according to the combination of ~~[[the]]~~ a particular emoticon being sent and ~~[[the]]~~ a particular recipient.

19. (Canceled)

20. (Canceled)

22. (Canceled)

25. (Currently Amended) A non-transitory computer-readable medium encoded with a computer program that, when executed by a server, causes linking of an emoticon to a sound file, the computer-readable medium comprising:

first instructions for linking an emoticon to a particular sound file contained in a sender-generated message by creating a pointer to the sound file and attaching the pointer to the sender-generated message;

second instructions for causing the sender-generated message, the emoticon, and the ~~link~~ pointer to the sound file to be forwarded to the recipient; and



Art Unit: 2454

third instructions for determining if the recipient already has the sound file by querying the recipient and evaluating whether or not the recipient has the sound file, and if not sending the sound file to the recipient; ~~and~~

~~fourth instructions for displaying, at the recipient, the sender-generated message and the emoticon, and audibly playing the sound file linked to the emoticon,~~

wherein the linking occurs at the server according to user preferences stored on the server where the user preferences indicates that the sound file is chosen to be linked with the emoticon by the sender ~~and may be~~ is periodically updated by a sender, the updating occurring by obtaining different sound files from the server and replacing one or more of a set of default sound files, linked with one or more emoticons, stored in the user preferences,

wherein the recipient displays the sender-generated message and the emoticon, and audibly plays the sound file linked to the emoticon.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Joo who telephone number is 571 272-3966. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571 272-1915.

/J. J./

/NATHAN FLYNN/

Supervisory Patent Examiner, Art Unit 2454